

REMARKS

Claims 1-14 and 17-27 have been rejected under 35 USC § 103(a) for claiming subject matter that would have been obvious over U.S. Patent 5,732,695 to Metzger in view of U.S. Patent 4,364,698 to Dumortier. Applicants respectfully submit that this rejection cannot be sustained.

Applicants claim a personal respiratory protection device that has a bayonet attachment system that enables a breathing gas supply source component to be fluidically communicatively secured to the fluid communication component. The bayonet attachment system comprises a first portion and a second portion where the first portion is attached to the second portion with a connection *that is incapable of being inadvertently separated*. Applicants have defined the term "incapable of being inadvertently removed or separated" to mean that the first and second portions are permanently joined or can be only separated through use of a key that unlocks the first and second portions without breaking or destroying either portion or a part that is used to provide a connection between such portions. The connection is only non-destructively separable by using a key. None of the references cited by the Examiner teach or suggest this particular feature.

Metzger describes a respirator filtration device 10 that is "adapted for detachable use with a convention respirator 12." The filtration device 10 comprises a round disk having a front face 32 that faces forward when secured to the respirator face mask and a rear face 34 which faces the mask when secured in position. The Metzger filtration device 10 includes an inner breather tube 42 that projects outwardly from the rear face 34 of the device 10 for attachment to the respirator. Metzger explicitly states that "[t]he breather tube is adapted to be detachably connected to port wall 26...". Thus, Metzger clearly teaches away from applicants' invention in that it suggests a detachable connection between the filter cartridge and the mask body.

Although Dumortier has been relied on for providing the teaching of a connection that is incapable of being inadvertently separated or removed, the subject matter of Dumortier is directed to a "manhole cover assembly". Please note that 35 USC § 103 requires that the invention as a whole would have been obvious at the time it was made to a person having ordinary skill in the art *"to which said subject matter pertains."* The subject matter of applicants' invention is a personal respiratory protection device. The Examiner has not made any evidence

of record, which establishes that a manhole cover assembly is in the art pertinent to the subject matter of the claimed invention. Please note that the reviewing authorities have interpreted 35 USC § 103 to mean that art can only be applied in an obviousness rejection if it is analogous to the claimed invention. The Federal Circuit has recited two criteria for determining whether prior art is analogous: (1) whether the art is from the same field of endeavor, regardless of the problem addressed; and (2) whether the reference is reasonably pertinent to the particular problem with which the inventor is involved (if the reference is not within the field of the inventor's endeavor). *In re Deminski*, 796 F.2d 436, 442, 230 USPQ 313, 315 (Fed. Cir. 1986). Neither of these criterion have been established in the present record. As such, the rejection under 35 USC § 103 cannot be properly sustained.

U.S. Patent 5,741,084 to Del Rio et al. (Del Rio) also has been cited as a secondary reference for showing the "incapable of being an inadvertently separated" feature. Like Dumortier, the record also does not reflect that Del Rio resides in an analogous field, allowing it to be appropriately combined under 35 USC § 103. Del Rio describes a connection for surgical instruments. The Del Rio device does not have air flowing through it. In any event, the two tubes are attached in a removable manner.¹

For the above reasons, applicants submit that the present invention would not have been obvious to a person of ordinary skill. Please further evaluate the outstanding rejection in light of the remarks provided above.

Respectfully submitted,

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¹ See column 3, lines 15-16.